

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
Nov. 1
2005 ~~11:32~~ AM 8:59

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

RYAN J. STANFORD,

Plaintiff,

vs.

HUGH SMITH, Warden, and
LAYMON McCOWN, Counselor,

Defendants.

CIVIL ACTION NO.: CV605-056


ORDER

Plaintiff has filed a letter with the Court which he wants construed as a notice of appeal and as a motion to proceed in forma pauperis on appeal. Plaintiff wishes to appeal Magistrate Judge James E. Graham's Report in which he recommended that Plaintiff's Complaint be dismissed for failure to state a claim for relief under 42 U.S.C.A. § 1983.

The undersigned construes Plaintiff's letter as an Objection to the Magistrate Judge's Report and Recommendation. The Magistrate Judge's Report and Recommendation is not a final, appealable order of this Court. Thus, Plaintiff cannot file an appeal with the Eleventh Circuit Court of Appeals at this time. See 28 U.S.C.A. § 636(b); FED. R. CIV. P. 72(b).

The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED** for failure to state a claim upon which relief may be granted. The Clerk of Court is authorized and directed to enter the appropriate Judgment of Dismissal.

SO ORDERED, this 1st day of November, 2005.


B. AVANT EDENFIELD JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA